IN THE HIGH COURT OF ANDHRA PRADESH
AT HYDERABAD

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W.P.No.7234 of 2001

Dt.22-08-2007

Between:

City auto Rickshaw Trade Union, rep. by its
General Secretary, Mohd. Kursheed Ahmed.

..Petitioner

and

1. Joint Transport Commissioner & Secretary
   Regional Transport Authority
   (Head Office and Zonal office), Hyderabad
   and another.

..Respondents

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THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.7234 of 2001

Oral Order:

Petitioner, City Auto Rickshaw Trade Union represented by its General Secretary Mohd. Kursheed Ahmed, invoked the jurisdiction of this Court to declare the action of the respondent officers and their subordinates at the Central and Zonal Offices in not permitting the entry of the office bearers of the petitioner Trade Union while seeking to represent their members into the offices of the respondents for transacting day today work relating to the Auto Rickshaw as was being done and continued as per instructions in Memo No.38862/A1/85 dated 01-10-1985 as arbitrary and illegal.

By filing W.P.M.P.No.23838 of 2001 the prayer in the writ petition is sought to be amended to declare the Memo No.8577/A4/2001 dated 19-03-2001 and Memo No.8577/A4/2001 dated 01-05-2001 issued by the 1st respondent as illegal and violative of principles of natural justice and also contrary to the proceedings No.17265/A4/2001 dated 15-05-2001 and proceedings No.18174/A4/2001 dated 24-05-2001.

Through the Memo dated 19-03-2001 the request of Mohd. Kursheed Ahmed, General Secretary of the petitioner—Union has been rejected stating that the papers in RTA office can be filed by the individual owner/driver directly or they can file them through licensed agents. The union office bearers are not authorized agents. Similarly, through proceedings dated 01-05-2001 he was informed that

office bearers can always discuss with the officers to sort out the grievances, for this they need not have any entry pass which has already been implemented through the memo. By proceedings dated 15-05-2001 he was declared qualified in the written examination conducted on 15-05-2001 and permitted to transact RTA Works of the members of their association relating to Autorickshaws only, which is valid for a period of one year from 14-05-2002 and is renewable annually. Similarly by proceedings dated 24-05-2001 M.A.Khader is permitted to transact RTA works of the members of their association relating to Autorickshaws only and same is valid for a period of one year from 24-05-2001 to 23-05-2002 and is renewable annually.

It is not necessary to go into the pleadings and the allegations made in the counter. Suffice it to say the Government through G.O.M.S.No.178 Transport Roads and Buildings (Tr.I) Department dated 08-10-2002 abolished the agency system and cancel the Administrative Rules for licensing and regulating the conduct of recognized agents to represent private motor vehicles operators in the offices of Transport Department issued in G.O.Ms.No.207 TR&B (Tr.I) Department dated 29-06-1988. The validity of the said G.O. has been upheld in W.P.No.21029, 20712 and 20522 of 2002 and the appeals—W.A.Nos.100, 123 and 124 of 2004 preferred against the said writs were also dismissed holding that the Administrative rules for licensing and regulating the conduct of recognized agents to represent the motor vehicles operators merely provide an access to the recognized agents and their entry into the premises of the offices of the department in order to provide necessary assistance to the vehicle owners. But for such recognition, they would not have had the access to participate in

the matter of processing the applications of the owners of the vehicles. It further held that it is not possible for the court to judicially review the relative merits of different policies formulated by the State from time to time introducing the agent system and dispensing with and reviving the same and finally canceling the system itself. It is quite possible that there can be two honest but different views as to the desirability of continuing or not continuing the system. The Court cannot substitute its own opinion for that of the State. Every administration is entitled to learn from its past experience and precisely that is the reason as to why the policies keep on changing and evolving. The Administration cannot be prevented from reformulating its own policies in the light of its own experience. Therefore, the policy of the Government, abolishing the agency system, cannot be interfered with by this court on the ground of violative of principles of natural justice, which has no application to the case on hand.

It is also stated that the said judgment has been confirmed by the Supreme Court, in dismissing the SLP preferred against it. Once the State Government has taken a policy decision not to permit any third party to represent the vehicles owners or the licensees with regard to transactions pertaining to the vehicles, in the absence of any right conferred, petitioner—Union cannot insist that their office bearers may be permitted in the respondents' offices to represent the vehicles owners or members of the petitioner Union with regard to obtaining licence or renewal of the same.

In view of the same, writ petition fails and it is accordingly dismissed. No costs.

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A.GOPAL REDDY, J.

22-08-2007

Murthy